

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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In the Matter of )  
Implementation of Section 621(a)(1) of )  
the Cable Communications Policy Act of 1984 )  
as amended by the Cable Television Consumer )  
Protection and Competition Act of 1992 )

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MB Docket No. 05-311

**COMMENTS OF SAN JUAN CAPISTRANO**

These Comments are filed by the City of San Juan Capistrano in support of the comments filed by the National League of Cities and the National Association of Telecommunications Officers and Advisors ("NATOA"). Like NLC and NATOA, the City of San Juan Capistrano believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the facts of video franchising in our community.

**Cable Franchising in Our Community**

**Community Information**

San Juan Capistrano is a city with a population of 35,218. Our current franchised cable provider is Cox Communications. Our community has negotiated cable franchises since 1965 when the first cable franchise was granted to American Cablevision. The City of San Juan Capistrano had a 1984 agreement with Times Mirror Cable Company that later became Cox Communications – which has been on-going since that time. The City has had franchised Cable services for 41 years.

**Competitive Cable Systems**

Our community was approached once by SBC on September 26, 2005, with their "Project Lightspeed". Project Lightspeed encompasses the upgrading of their telephone network to IP Video, but the provider chose not to enter into any formal discussions.

**Conclusions**

The local cable franchising process functions well in the City of San Juan Capistrano. As the above information indicates, we are experienced at working with cable providers to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.


Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of specifically local interest.

Finally, local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The City of San Juan Capistrano therefore respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

Respectfully submitted,

San Juan Capistrano



Dave Adams, City Manager

cc: National League of Cities, [leanza@nlc.org](mailto:leanza@nlc.org)  
NATOA, [info@natoa.org](mailto:info@natoa.org)  
John Norton, [John.Norton@fcc.gov](mailto:John.Norton@fcc.gov)  
Andrew Long, [Andrew.Long@fcc.gov](mailto:Andrew.Long@fcc.gov)  
Genevieve Morelos, League of California Cities, [gmorelos@cacities.org](mailto:gmorelos@cacities.org)